

REMARKS

Claims 1-40 were originally filed in the present application. Dependent claims 41-54 depending from independent claim 18 and independent claims 55-57 have been previously added (taking notice that claims 44-53 have been renumbered to 44-54). Independent claims 1, and dependent claims 4, and 13 depending from claim 1, independent claim 19 and dependent claims 20-29 depending from claim 19, independent claim 30 and dependent claims 31-40 depending from claim 30, and independent claims 55-56 have been previously canceled. By this amendment, claims 2, 5, 11, 14, 49, 52, and 57 have been amended. Therefore, independent claim 14 and dependent claims 2-3, 5-12, and 15-17 depending from claim 14, independent claim 18 and dependent claims 41-53 depending from claim 18, and new independent claim 57 are pending in this application.

Applicant gratefully acknowledges the Examiner's indication of allowed claims 18 and 41-53.

In the non-final Office Action, the Examiner objected to claims 5, 11, 49, and 55-57, requesting correction. Accordingly Applicant has amended claim 5 to be grammatically correct, amended claims 11 and 49, changing "polyvinylchloride (PVC)" to "polyvinylchloride", canceled the text of claims 55-56, and amended claim 57.

Claim 57 includes the specific distinction, *inter alia*, "a plurality of concentric removably attached buoyancy structures, wherein the first surface of the recessed platform is recessed with respect to a top surface of a permanent buoyancy structure." Applicant submits the specific distinction, *inter alia*, is not disclosed in the Examiner's

cited prior art. The specification supports the specific distinction recited in claim 57. See FIG. 2, and associated text in paragraph 1, page 7 (supporting the concentric removably attached buoyancy structures **43** and **46**. See also FIG. 5 and associated text in paragraph 2, page 8 supporting “wherein the first surface of the recessed platform is recessed with respect to a top surface of a permanent buoyancy structure,” as claimed in Applicant’s claim 57.

The Examiner rejected claims 2, 3, 7, and 57 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite.

The Examiner rejected claims 2, 5, 6, 8-12, and 16 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A).

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A) in view of Genovesse et al. (US 5,301,630A).

The Examiner rejected claim 17 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A) and further in view of JP 05-246382 A (382).

Applicant respectfully traverses the Examiner’s rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 103(a) using the following arguments.

35 U.S.C. § 112, second paragraph

The Examiner rejected claims 2, 3, 7, and 57 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, and claims 3, and 7, depending from claim 2, the Examiner states "In claim 2, the limitation "selected from the group consisting of a hook, an eye bolt and combinations thereof at each end of a strap" makes the claim indefinite." The non-final Office Action, page 2, paragraph 3, lines 4-5. Therefore, Applicant has amended claim 2 accordingly.

Regarding claim 57, the Examiner states: "the last 4 lines of the claim are vague and confusing." The non-final Office Action, page 2, paragraph 3, third line from end. Therefore, Applicant has amended claim 57 accordingly.

35 U.S.C. § 103(a)

The Examiner rejected claims 2, 5, 6, 8-12, and 16 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A). Applicant respectfully traverses the Examiner's rejection because Silverstone does not teach or suggest each and every feature of Applicant's claims 14 and claims 2, 5, 6, 8-12, and 16 which depend from claim 14. Specifically, Silverstone does not teach or suggest Applicant's floatation apparatus, comprising, *inter alia*, **"a pet; . . . at least one removable buoyancy structure, wherein each removable buoyancy structure is removably attached to an opposite side of the recessed surface of the recessed platform,** wherein the floatation apparatus is portable, wherein the floatation apparatus is adapted to float on water, and wherein the platform structure is adapted to support **the pet** over the water" as claimed in Applicant's claim 14 (emphasis added). Specifically, Silverstone discloses "life-rafts of the type designed to carry several **persons**" (emphasis added). Silverstone, column 1, lines 9-10. No where does Silverstone teach or suggest "a floatation apparatus, comprising, *inter alia*, **a pet**, as claimed in Applicant's claim 14.

In addition, Applicant respectfully submits that Silverstone does not teach or suggest at least one removable buoyancy structure, **wherein each removable buoyancy structure is removably attached to an opposite side of the recessed surface of the recessed platform**, as in Applicant's claim 14 (emphasis added). The Examiner states "Silverstone shows a floatation apparatus comprising a platform structure [20], a peripheral buoyancy structure [22] (i.e., the lower chamber), **at least one inflatable buoyancy structure [11] removably attached to the floatation apparatus**, a resilient member [56] connected to a canopy [57], an attachment structure [59], and a barrier [22] (i.e., the upper inflatable chamber)" (emphasis added). The non-final Office Action, page 3, paragraph 5, lines 3-7. No where does Silverstone teach or suggest "at least one removable buoyancy structure, **wherein each removable buoyancy structure is removably attached to an opposite side of the recessed surface of the recessed platform**," as claimed in Applicant's claim 14 (emphasis added). Instead, Applicant respectfully submits that instead of teaching each buoyancy structure is **removably** attached to an opposite side of the recessed surface of the recessed platform, as claimed in claim 14, Silverstone teaches the tube 11 is **normally secured** . . . to opposite sides of the raft floor 20 with the aide of straps 50. See Silverstone, column 4, lines 45-53 and FIGS. 10 (stating "In yet another modified construction (see FIG. 10), there are two single-walled tubes 49 **normally secured** in collapsed condition to opposite sides of the raft floor 20 with aide of straps 50. With such an arrangement the floor 20 may carry a single gas "bottle" adapted to feed into either of the tubes 49 under the control of a two-movement, self-inflation mechanism **to ensure that on flotation of the raft only the upper tube 49 will be inflated**" (emphasis added)).

The Examiner acknowledges that Silverstone is “silent on the peripheral buoyancy structure as being permanently attached to the platform, or the buoyancy structures as being made of PVC.” The non-final Office Action, page 4, lines 1-2.

Regarding Silverstone’s silence concerning the peripheral buoyancy structure as being permanently attached to the platform, the Examiner takes Official Notice that it is “old and well known in the art (for e.g., see US 2,764,766 A). Therefore it would have been **obvious** for one skilled in the art to permanently attach the life-raft platform to the peripheral buoyancy structure to prevent accidental detachment, thereby ensuring safety of the occupants.” The non-final Office Action, page 4, lines 4-7.

Applicant respectfully traverses the Examiner’s taking of Official Notice because it is not “old and well known in the art (for e.g., see US 2,764,766 A)” to permanently attach the life-raft floor/platform to the peripheral buoyancy structure as claimed in Applicant’s claim 14. Applicant’s claim 14 claims, *inter alia*, a floatation apparatus for a **pet**. Instead, US 2,764,766 is directed to a **life-raft**, having *inter alia*, ladders attached to the peripheral buoyancy structure. No where does US 2,764,766 disclose a floatation apparatus for **pets**. Applicant respectfully submits that US 2,764,766 claims the inflation chambers 10 and 11 sealed to the flexible deck (claim 1) so that, *inter alia*, use of the ladders by occupants of the life-raft don’t cause separation of the endless side-wall structure and the flexible deck, not as the Examiner states, “to prevent accidental detachment, thereby ensuring safety of the occupants.” The non-final Office Action, page 4, lines 4-7. Therefore, Applicant respectfully submits it would not have been obvious as the Examiner asserts for one skilled in the art to claim a permanent buoyancy structure, as claimed in Applicant’s claim 14 to prevent accidental detachment, thereby ensuring safety of the occupants, because

Applicant's occupants are **pets** and Applicant does not claim ladders attached to the **permanent buoyancy structure** of Applicant's claim 14.

The Examiner acknowledged that Silverstone is silent on the inflatable structures as being made of PVC. The non-final Office action, page 4, lines 9-10. The Examiner took an Official Notice that PVC is a well-known equivalent of rubberized fabric for making the inflatable structures (for e.g., see US 5,297,978 A, col. 5, lines 35-38).

Applicant respectfully traverses the Examiner's taking of Official Notice because it is not "old and well known in the art that PVC is a well-known equivalent of rubberized fabric for making the inflatable structures (for e.g., see US 5,297,978 A, col. 5, lines 35-38) for the floatation apparatus for **pets**, as claimed in Applicant's claim 14. Applicant respectfully submits the "Tote'N Float Water Vehicle" disclosed in US 5,297,978 A is for use by a **person**. See US 5,297,978 A, FIG. 6. No where does US 5,297,978 A disclose a floatation apparatus for **pets**. Therefore, Applicant respectfully submits it would have not been obvious for an artisan to substitute PVC for the rubberized fabric of Silverstone to obtain a product with equivalent inflation characteristics for **pets**, because US 5,297,978 A is directed to a floatation apparatus for a **person**.

In light of the foregoing, Applicant respectfully submits that the Examiner's rejection of claims 2, 5, 6, 8-12, and 16 is improper because Silverstone does not teach each and every feature of claim 14, specifically "at least one removable buoyancy structure . . ." Therefore, the Examiner should withdraw his rejection.

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A) in view of Genovesse et al. (US

5,301,630A). Applicant respectfully traverses the Examiner's rejection of claim 15 over Silverstone (US 3,034,154A) in view of Genovesse et al. (US 5,301,630A) using the same argument as used to traverse the Examiner's rejection of claims, 5, 6, 8-12, and 16, *supra*, because claim 15 depends from claim 14, as do claims 5, 6, 8-12, and 16, and Silverstone (US 3,034,154A) in view of Genovesse et al. (US 5,301,630A) do not teach or suggest at least one **removable** buoyancy structure.

In light of the foregoing, Applicant respectfully submits that the Examiner's rejection of claim 15 is improper because Silverstone (US 3,034,154A) in view of Genovesse et al. (US 5,301,630A) do not teach each and every feature of claim 14, specifically "at least one removable buoyancy structure . . ." Therefore, the Examiner should withdraw his rejection.

The Examiner rejected claim 17 under 35 U.S.C. §103(a) as being allegedly unpatentable over Silverstone (US 3,034,154A) and further in view of JP 05-246382 A (382). Applicant respectfully traverses the Examiner's rejection of claim 17 over Silverstone (US 3,034,154A) and further in view of JP 05-246382 A (382) using the same argument as used to traverse the Examiner's rejection of claims, 5, 6, 8-12, and 16, *supra*, because claim 17 depends from claim 14, as do claims 5, 6, 8-12, and 16, and Silverstone (US 3,034,154A) and further in view of JP 05-246382 A (382) do not teach or suggest at least one **removable** buoyancy structure.

In light of the foregoing, Applicant respectfully submits that the Examiner's rejection of claim 17 is improper because Silverstone (US 3,034,154A) and further in view of JP 05-246382 A (382) do not teach each and every feature of claim 17, specifically "at least one removable buoyancy structure . . ." Therefore, the Examiner should withdraw his

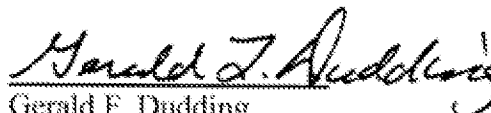
rejection.

CONCLUSION

Accordingly, based on the preceding arguments, Applicant respectfully submits that Claims 2, 3, 5-12, 14-18, 41-53, and 57, and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

The Director is hereby authorized to charge and/or credit Deposit Account No. 50-3981.

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